



CITY OF MORGAN HILL

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PLANNING COMMISSION MEETING

REGULAR MEETING

DECEMBER 12, 2000

PRESENT: Kennett, Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer and Minutes Clerk Johnson.

REGULAR MEETING

Chair Kennett called the meeting to order at 7:12 p.m.

DECLARATION - POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

PUBLIC COMMENTS

Chair Kennett opened the floor to public comments.

There being none present who wished speak, the public hearing was closed.

MINUTES:

NOVEMBER 14,
2000

COMMISSIONERS LYLE/MUELLER MOTIONED TO APPROVE THE NOVEMBER 14, 2000 MINUTES. THE MOTION PASSED ON A VOTE OF 7 - 0, WITH THE FOLLOWING AMENDMENTS:

- 1) Page 3, paragraph 3 (last line): ~~space spare~~
- 2) Page 4, paragraph 4 (last line): ~~three there~~

Page 4 addition/correction: (RE: PUD/SJCC/hospital) **“Discussion included the application within the scope of the current PUD”**

“Commissioner Mueller questioned the City Attorney as to the ramifications of recently passed federal law regarding health services at the local level.”

- 3) Page 13, paragraph 7; ~~64~~ “**62**”
- 4) Page 14, paragraph 7 (second line): ~~are current under construction~~ “**have been completed**”
- 5) Page 16, (first motion): ~~Y~~ “**7**”
- 6) Page 17, paragraph 3 (third sentence) {second} ~~second~~ “**third**”

NEW BUSINESS:

**3. ZA-00-09:
ST. LOUISE-
CHRISTIAN
COLLEGE**

A request to amend the precise development plan under a PUD, Planned Unit Development District to allow the former St. Louise Hospital to be converted to a private **S.J.** college. The proposed zone amendment would only allow reuse of the existing hospital and office buildings. Maximum enrollment would be limited to 400 students. The project site is located at 18500 Saint Louise Drive, south of Cochrane Road and east of Highway 101.

PM Rowe reported a workshop for 5:30 p.m. this date had occurred for informational purposes regarding the traffic analysis, and no action(s) had taken place. Chair Kennett announced that as a result of the workshop, the Commission, by consensus, had recommended that the item be continued.

Chair Kennett opened the public hearing.

With no persons wishing to speak, the public hearing was closed.

COMMISSIONERS MUELLER/PINION MOTIONED TO CONTINUE THE PUBLIC HEARING TO JANUARY 30, 2001. THE MOTION PASSED 7 - 0.

Workshop announcement: PM Rowe informed the Public that the Commissioners had given staff approval for changes in dates for the January meetings which are now scheduled as follows:

January 9, 2001

January 16, 2001

January 30, 2001: this meeting will be primarily for the purpose of receiving and reviewing the report of the Blue Ribbon Task Force for Community Health Services. It is anticipated this meeting will begin at 7:00 p.m. Should further Measure P application discussion be needed, the time will be changed to 5:30 p.m.

The previously announced meeting date of January 23, 2001 has been canceled.

**4. UP-00-08:
PEDRO-
CATS Unit 13.**

A request for approval of a conditional use permit to operate a shelter for cats and kittens **SAN** in the ML/MG zoning district. The subject site is located at 195 C San Pedro Avenue, **TOWN**

PM Rowe presented the Staff report: The applicant proposes to lease a unit within a

multi-tenant industrial building. The building is located in the MG zoning district at the northwest corner of San Pedro and the railroad tracks; the site is surrounded with existing industrial development. Town Cats would occupy the existing building shell and bring in their equipment.

The tenants of the immediately adjacent tenant spaces include a seed distributor and two machine shops. Noise from the surrounding uses would be minimal, and is not anticipated to be detrimental to the animals.

Two employees are anticipated during the weekdays from 8:00 am to 5:00 pm, one employee during the weekdays from 6:00 pm to 8:00 pm, and two to three volunteers on the weekends from 10:00 am to 5:00 pm. The shelter is open to the public on a very limited basis, and by appointment only in the afternoons, generally with no more than two appointments each month. Therefore, the number of vehicle trips generated by the proposed use would be very limited.

The subject site is surrounded by industrial uses; no residences or schools are located near the site. The proposed shelter would be operated completely within the 1,000 sf tenant space; no outdoor storage or display is proposed. The existing parking facilities are suitable and adequate to serve the proposed use as well as the other permitted industrial uses of the building.

Chair Kennett opened the public hearing.

Ava Geddes, 16565 Trail Drive, who introduced herself as a member of the Board of Directors of Town Cats, indicated other Board Members in the audience were Sue Williams and Audrey Shark. Ms. Geddes provided an overview of the proposed operation, disclosing her willingness to answer questions.

Commissioner Lyle asked if visitors were to be limited to two-to-three times per week?

Ms. Geddes replied the program was not structured to general adoptions, but specialized in match-requests and pet fairs, community events, etc. Accordingly, the proposed facility will rarely have visitors.

The public hearing was closed.

Commissioner Sullivan spoke highly of the organization and their operations.

RESOLUTION NO. 00-68 APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A CAT SHELTER/ADOPTION CENTER WITHIN AN EXISTING INDUSTRIAL BUILDING IN THE MG ZONING DISTRICT WAS OFFERED BY COMMISSIONER PINION, SECONDED BY COMMISSIONER MUELLER, AND ADOPTED BY AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT.

5. ZA-00-06/ A request for approval for the annexation of an approximate 55-acre site into the City of **ANX-**
00-02: Morgan Hill, as well as the rezoning of the site from County A-20, Medium Intensity **COCHRANE-**

Agriculture, to City R-1 (12,000), Single-family Low Density Residential. The subject
LUPINE site is located immediately south of Cochrane Road and east of Peet Road.

PM Rowe presented the staff report: The applicant is requesting to annex the 55-acre site into the City of Morgan Hill. The site is surrounded on three sides by the Morgan Hill City boundary. Therefore, he said, inclusion of the parcels into the City limits would represent a logical adjustment of the City's boundary. Furthermore, PM Rowe reported, under the terms of the 1984 Cochrane Road Assessment District (CRAD) court judgement, the City agreed to accept and process, to an approval, applications for annexation and prezone within the CRAD area. PM Rowe also reported that the subject site is located within the City's Urban Service Boundary.

PM Rowe said the applicant will also be required to enter into a Pre-Annexation Agreement with the City of Morgan Hill, ensuring code conformance. The annexation and prezone will allow for future subdivision and development of the site with single-family, low-density homes. Of the 55 acres of land that comprise the project site, 46 acres are proposed for future residential development. The nine-acre parcel is not proposed for development at this time. The nine-acre parcel was included in the annexation and prezone applications to prevent the creation of an unincorporated island of land. Existing water and sewer lines are available, and are of sufficient size to service future development of the site.

The requested zoning designation is consistent with the General Plan designation for the parcel, and provides a logical transition from the R- 1 (7,000)/RPD zoning designation to the west and the R- 1 (20,000)/RPD zoning to the east, PM Rowe reported.

PM Rowe indicated a consultant from the firm of Grier & Grier Consulting, Inc. who prepared the Expanded Initial Study was present to address questions/concerns regarding the environmental document.

Commissioner Lyle asked if this property was included in the Measure P applications?

PM Rowe said the pre-zoning is in and the Measure P process is in progress.

Commissioner Lyle commented he hadn't realized that it was just necessary to have a request in to go forward with a Measure P application. He asked to have this clarified.

PM Rowe complied, and cited Summerhill as being similar in nature to the process now being experienced.

Commissioner Lyle asked about the location of the high pressure gas line shown on the site map in relation to the property lines.

PM Rowe replied the gas line is in the proximity of the project, but not on the property.

Commissioner Ridner stated it was logical to think of annexing the property because of the

proximity to the City's boundaries. He asked if the owners to the south of the property were interested in annexation as well?

PM Rowe said another, separate application was expected from those owners.

Commissioner Ridner asked if that might occur in 2001?

PM Rowe replied that was possible.

Commissioner Ridner questioned the criteria for annexation to the City. Was it LAFCO?

PM Rowe stated the City can conduct it's own annexation.

Chair Kennett opened the public hearing.

Richard Oliver, 275 Saratoga Ave, # 105, appeared to address the Council, stating he was representing the owner. He addressed the high pressure gas line(s) near the property, stating that one had been completely removed under an agreement with PG&E, and the other was not on the property under discussion. Mr. Oliver stated the process for annexation had begun in November, 1999, noting it was truly a lengthy process. He spoke on the density planned for the area and referenced the letter submitted regarding traffic plans for the project.

Commissioner Mueller said it would be important to look at lower density on the nine acres, asking the applicant if a trade for higher density on Peet road would be possible?

Mr. Oliver replied he would be happy to consider the proposal; to that end, he requested a workshop with the Commission regarding density. Also, he informed, he was working to include a school site within the project.

Commissioner Lyle spoke about a set-back/buffer zone around the area fronting on the high pressure gas line. He also asked about the Williamson Act cancellation?

Mr. Oliver responded that the Williamson Act provisions had been gone from the property since 1996.

Commissioner Lyle asked if the plan was to develop both parcels together or whether the nine-acre parcel is to be regarded separately?

The applicant said the nine-acre parcel is owned by out-of-the-area residents.

With no other persons wishing to speak, the public hearing was closed.

Commissioner Mueller called attention to items regarding traffic in the Staff report, requesting clarification.

Commissioner Lyle expressed concern that the reports presented made no mention of inclusion of traffic which had been generated by the hospital nor of the potential for traffic increase should SJCC be placed there. He asked if further mitigation measures might need to be considered?

PM Rowe called attention to the specifics of the traffic report which addressed the issues raised.

Chair Kennett indicated willingness to call a workshop as requested by the applicant, noting that traffic issues could be included in that discussion.

Commissioner Mueller stated that while he was concerned that the Commission was being asked to take action on a matter when the public comment period was still opened (until December 24, 2000), he would offer a motion to accept the negative declaration.

Commissioner Sullivan said she shared the concern about the public comment period being open.

Commissioner Lyle called attention to number IV, section 3 of the negative declaration, asking clarification.

PM Rowe provided explanation, stating the City-wide plan takes precedent and consequently, the document presented tonight will be revisited.

COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO ACCEPT THE NEGATIVE DECLARATION. THE MOTION PASSED 7 - 0.

COMMISSIONERS McMAHON/RIDNER MOTIONED TO APPROVE RESOLUTION NO. 00-69 AS WRITTEN.

Noting his concern of the minimum size proposed for the nine-acre parcel, while stating he believed it should be set at 40,000 sf minimum, **COMMISSIONER MUELLER OFFERED, AND COMMISSIONER PINION SECONDED AN AMENDMENT TO THE MOTION FOR RESOLUTION NO. 00-69 WHICH WOULD CAUSE THE SQUAREFOOTAGE OF THE PROPOSED LOTS FOR THE NINE-ACRE PARCEL TO BE 40,000.**

Commissioner Sullivan stated she had difficulty with the Commission arbitrarily changing a zoning proposal with out the property owner being present.

Commissioner Ridner said he shared that concern.

Commissioner McMahon observed that if the amended motion is passed, there might be issues which would have to be resolved; accordingly, she shared the concerns voiced.

THE AMENDMENT TO THE MOTION FAILED BY A VOTE OF 3 - 3 - 1 WITH COMMISSIONERS KENNETT, MUELLER, AND PINION VOTING AYE; LYLE, RIDNER AND SULLIVAN VOTING NO, AND McMAHON ABSTAINING.

THE MOTION BY COMMISSIONERS McMAHON/RIDNER TO APPROVE RESOLUTION NO. 00-69, AS WRITTEN, WITH A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL, PASSED BY A VOTE OF 5 - 2 WITH KENNETT, LYLE, McMAHON, RIDNER AND SULLIVAN VOTING AYE, AND MUELLER AND PINION VOTING NO.

COMMISSIONERS LYLE/McMAHON MOTIONED TO APPROVE RESOLUTION NO. 00-70 AS PRESENTED, WITH A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL, THE MOTION PASSED UNANIMOUSLY.

**6. ZA-00-11/
13/
DA-00-07:
E. DUNNE-
TROVARE**

A request for zoning, development agreement and 36 lot subdivision approval on a 20 SD-00-13/ acre parcel located on the south side of E. Dunne Ave., adjacent to the east side of the church located at 1790 E. Dunne Ave. The property is located in the R-1 7000 zoning district. The zoning amendment requested will establish a precise development plan on the property.

PM Rowe presented the staff report: The project site consists of two, 10 acre parcels. The project will consist of 58 single family homes, divided into three phases. He stated the project was one of the few in the 1999 RDCS competition to be considered as a superior and above average as part of the scoring process. Only minor changes including the elimination of a small open space area between lots 5 & 6 and the elimination of an open space easement through the front yards of homes proposed on lots 39 & 40 were requested by staff as part of the application review process, PM Rowe reported.

The project as proposed within the RDCS competition, provided a landscape buffer between the water district property to the south, and the street that runs parallel with the SCVWD property. The current plans do not include the proposed landscape area and path connection between the two parks, but Staff recommends that the landscape buffer and path be reincorporated back into the plan.

A standard development agreement has been prepared for the Commissioners' review. PM Rowe called attention to page 5 of the agreement, stating that the 9.5% should read 10% and that item # 3 should be checked. He also stated that on page 18 of the agreement, condition # 19 deals with Phases 2A and 2B.

Chair Kennett opened the public hearing.

Wayne O'Connell, 2065 Malher Place, Napa, CA, identified himself as the representative of the applicant and offered to answer questions.

Discussion of the right of way along the perimeter of the property was led by SE Creer.

Commissioner Mueller discussed design of the pathways relating to the project.

COMMISSIONERS LYLE/SULLIVAN MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION. THE MOTION PASSED 7 - 0.

COMMISSIONERS LYLE/McMAHON MOTIONED TO ADOPT RESOLUTION NO. 00-71 AND FORWARD A RECOMMENDATION FOR APPROVAL TO THE CITY COUNCIL. THE MOTION PASSED UNANIMOUSLY.

COMMISSIONERS LYLE/MUELLER MOTIONED TO ADOPT RESOLUTION NO. 00-72 FOR APPROVAL. THE MOTION PASSED 7 - 0.

COMMISSIONERS LYLE/MUELLER MOTIONED TO ADOPT RESOLUTION NO. 00-73 AND FORWARD A RECOMMENDATION FOR APPROVAL TO THE CITY COUNCIL. THE MOTION PASSED UNANIMOUSLY.

**7. ZA-00-05:
HALE-
GLENROCK/
SHEA**

A request for an amendment to the precise development plan for a 67 acre parcel located on the south side of Tilton Ave., west of Monterey Rd. in the R-1 12,000/RPD zoning district. The proposed amendment would incorporate additional property in the plan and reconfigure the street and lot layout.

PM Rowe presented the staff report: The applicant has submitted a proposal to amend the precise development plan for the Madrone Crossing project located on the south side of Tilton Ave., west of Monterey Rd. and east of Hale Ave. The item was advertised for public hearing for the Commission December 12 meeting. Due the processing requirements of the City's RDSCS, staff was not able to complete the analysis and prepare the report for the above zoning amendment proposal.

Chair Kennett opened the public hearing.

With no persons appearing to speak, the public hearing was closed.

COMMISSIONERS MUELLER/PINION MOTIONED TO CONTINUE THE PUBLIC HEARING UNTIL FEBRUARY 13, 2001. THE MOTION PASSED 7 - 0.

OTHER BUSINESS:

**8. PC REVIEW OF
DELINQUENT MP
PROJECTS
MP-00-02: E.
DUNNE-GREWAL
& MP-00-05: NINA
LANE-SHAW**

Section 18.78.150 of the Municipal Code requires the Commission to review on a quarterly basis, the progress of Residential Development Control System (RDSCS) approved projects and if necessary, make recommendations to the City Council regarding the rescission of building allotments.

PM Rowe presented the staff report: At the time the November Quarterly Report on Measure P projects had been prepared, several projects were behind schedule or were delinquent, meaning that the projects had missed "hard deadline dates." Staff was able to report progress on the delinquent projects and several of the projects that were behind

schedule. For those projects where progress could not be reported, the Planning Commission requested that the applications be scheduled for review at the December 12, 2000 meeting.

The status on two projects on this agenda has changed since the November 14 meeting when the above request was made. The applicant for the Del Monte Estates project has filed an application requesting an extension of time on the project building allotment. The extension of time request will be considered by the City Council on December 20, 2000. If the extension is not approved, the project's building allotment will expire at the end of the month.

Chair Kennett opened the public hearing.

Hans Mulberg, 16760 Mulberg, was present to speak to the E. Dunne-Grewal matter. He identified himself as the recently contracted engineer on the project, stating it was now "moving through the process" and would be "back on track" through his work with City staff.

Daniel Shaw, 21613 Stevens Creek Blvd, Cupertino, appeared to address the Commission in the matter of the Nina Lane development. He outlined the issues of having the property tested for arsenic following identification of chemical on adjacent property. He informed the Commission that several testings had confirmed the chemical did not exist on the property under discussion and work could now proceed.

By consensus, the Commission agreed to recommend to the City Council that they approve extensions requested for the two projects as outlined by the speakers.

Commissioner Lyle said he had concerns about further extensions for the DelMonte project, and indicated he hoped the Council would look seriously at the project before granting any further extension. Other Commissioners concurred with these thoughts.

ANNOUNCEMENTS:

Noting the Commissioner's discussion which had occurred in the Workshop held December 12 at 5:30 p.m., PM Rowe reiterated issues raised regarding the Measure P application/ hearing process, which will be conducted January 9 and 16, 2001:

- S Applicants who have received scores high enough to qualify will submit letters of support by a date certain in the packet of materials provided to them.
- S Speakers will be limited to three minutes for presentation of the projects. Times are for total projects.
- S It is strongly suggested that all applicants provide response(s) in form to the Staff recommendations.
- S If applications are stratified, with some scoring extremely low, speaking times may be increased for other speakers.
- S The process is based strictly on the point system

PLANNING COMMISSION MINUTES

DECEMBER 12, 2000

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ADJOURNMENT: There being no further business, Chair Kennett adjourned the meeting at 9:02 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON

Minutes Clerk

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